

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

APR 20 2005 P 12:3

ABC MORTGAGE CORPORATION	)	UNITED STATES DISTRICT COURT DISTRICT OF MASS.
f/k/a JOHN G. MACLEOD d/b/a	)	
ABC MORTGAGE COMPANY	)	
 <b>Plaintiff,</b>	)	
 v.	)	Civil Action No. 04-CV-10816 MLW
 SCOTTSDALE INSURANCE	)	
COMPANY	)	
 <b>Defendant.</b>	)	

**ASSENTED TO MOTION OF SCOTTSDALE INSURANCE COMPANY TO  
CONTINUE RULE 16.1 SCHEDULING CONFERENCE**

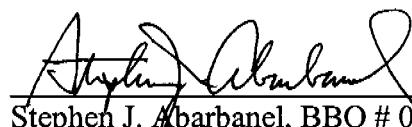
Defendant, Scottsdale Insurance Company (“Scottsdale”), by and through its attorneys, Robinson & Cole, LLP, requests the Court continue to another date the Local Rule 16.1 Scheduling Conference now set for Monday April 25, 2005 at 2:00p.m. Counsel for ABC Mortgage Company assents to this motion.

As reason for this motion, counsel for Scottsdale states that he has not been served with notice of the scheduling conference. Counsel learned of the conference only yesterday, April 19, 2005, by way of receipt of a telephone call and subsequent search on Pacer. The limited time until the conference on April 25, 2005 precludes Scottsdale from fulfilling the obligations of Local Rule 16.1 before the conference. There are a number of complex issues in this insurance coverage declaratory judgment action that the parties intend to discuss prior to preparing a joint statement and attending a Scheduling Conference.

WHEREFORE, counsel requests that the April 25, 2005 scheduling conference be continued to a date in mid to late May, at the Court's convenience.

Respectfully submitted,

**DEFENDANT,  
SCOTTSDALE INSURANCE COMPANY**  
By its attorneys,

  
Stephen J. Abarbanel, BBO # 010100  
Catherine N. O'Donnell, BBO # 634719  
**ROBINSON & COLE LLP**  
One Boston Place  
Boston, MA 02108-4404  
(617) 557-5900

Dated: April 20, 2005

**CERTIFICATE OF SERVICE**

I, Stephen J. Abarbanel, hereby certify that on this 20<sup>th</sup> day of April, 2005, I served a true copy of the foregoing document via facsimile and first-class mail, postage prepaid, upon the following:

Kerry Florio, Esq.  
Melick, Porter & Shea, LLP  
28 State Street  
Boston, MA 02109

  
\_\_\_\_\_  
Stephen J. Abarbanel